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UNCLAS SECTION 01 OF 02 COTONOU 000872

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DEPT FOR AF/W (BANKS), INL (SUSAN SNYDER)
PARIS FOR D'ELIA

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SUBJECT: BENIN: GOVERNMENT PROPOSES AMENDMENTS TO WJEI LETTER OF AGREEMENT

REF: (A) STATE 135996 (B) STATE 64896

COTONOU 00000872 001.2 OF 002

11. This is an action request. Please see Paragraph 9.

12. SUMMARY: Post transmitted the Letter of Agreement (LOA) (Ref B) to the GOB on September 11, 2007. Post received the GOB's response, a revised draft of the LOA, on November 5, 2007. In its response, the GOB renamed the LOA an Accord, re-organized the LOA, and proposed 5 amendments to the original LOA. Post has translated into English the sections of the French draft that contain the amendments and will forward an electronic copy (in French) of the entire proposed agreement to INL. END SUMMARY

"Lettre d'Entente becomes "Accord"

13. The GOB restructured the Letter of Agreement to conform to the outline and format of an agreement in the French legal tradition which is used in Benin. The document was renamed an "Accord" in French instead of the Department's translation of Letter of Agreement as "Lettre d'Entente". Eusebe Agbangla, the MFA's Americas' Office Director, explained that in Benin "Accord" refers to an agreement between states and has more legal force than a "Lettre d'Entente".

AMENDMENT #1 - Funding

14. The GOB proposed that the funding available under the LOA may be increased if an evaluation of the GOB's obligations requires it. Post's word for word translation of this proposal, contained in Article 14 of the revised LOA submitted by the GOB, follows:

Article 14: General Obligations

Funding could be increased in case an evaluation of the GOB's obligations requires it.

AMENDMENT #2 - Evaluation

15. The GOB proposed changes giving more structure to the Evaluation Plan contained in Ref B and changing the frequency of evaluation

meetings from every 3 months to every 6 months. The GOB proposed the creation of an evaluation committee, named the "Women's Rights Promotion Joint Committee", to evaluate the WJEI's progress. The proposed committee would be composed of representatives from the GOB's ministries of Justice, Interior, Family and Women, and Foreign Affairs and their USG counterparts and would meet every 6 months. Post's word for word translation of the new Evaluation Plan, contained in Article 16 of the revised LOA submitted by the GOB, follows:

Article 16: Monitoring Body

In order to ensure the evaluation of this Agreement, a "Women Rights Promotion Joint Committee" shall be set up, named hereafter "the Joint Committee"

The "Joint Committee" shall comprise the representatives of the following ministries of both countries:

The ministries of Justice
The ministries of Interior
The ministries of Family and Woman
The ministries of Foreign Affairs

The "Joint Committee" shall meet every 6 months in Cotonou During the sessions of the "Joint Committee", its members shall review progress towards achievement of the programs and project goals referred to in Article 2 of this Agreement. The results attained shall be assessed using the criteria described in the Article 6 of this Agreement.

----- AMENDMENT #3 - Protocols -----

16. In this amendment the GOB proposed the creation of separate protocols (guidelines) between the USG and the GOB's relevant agencies setting out the methods which will be used to implement the two DOJ components of WJEI in Benin. Post's word for word translation of this proposal, contained in Article 18 of the revised LOA submitted by the GOB, follows:

COTONOU 00000872 002.2 OF 002

Article 18: Conditions and mode of execution of the Agreement

The conditions and modes of execution of this Agreement shall be defined in separate agreements signed with Beninese agencies that are responsible for the portions 1 and 2 of the project set forth in Article 3 of this Agreement.

----- AMENDMENT #4 - Duration -----

17. The GOB proposed a change to the agreement giving the WJEI a length of 3 years which will be renewed unless one of the parties to the agreement states it wants to end the agreement. The change also states that the agreement can be amended with the agreement of both parties. Post's word for word translation of the GOB's proposal on the WJEI's duration, contained in Article 19 of the revised LOA submitted by the GOB, follows:

Article 19: Term, amendment and termination of the Agreement

This Agreement shall cover three years and be renewed by tacit agreement. It may be amended by a joint agreement of both parties.

----- AMENDMENT #5 - Dispute Resolution -----

18. The GOB's final amendment calls for the use of negotiation to settle any dispute arising under the agreement. Post's word for word translation of the dispute resolution mechanism, contained in Article 20 of the revised LOA submitted by the GOB, follows:

Article 20: Dispute Resolution

Any dispute arising from the execution and the interpretation of this Agreement shall be resolved by negotiation.

[¶](#)9. Action Request. Please inform Post if the Department accepts these changes.

BROWN